

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

GARY E. FRANKLIN

PLAINTIFF

v.

CIVIL NO. 07-5160

MICHAEL J. ASTRUE, Commissioner
Social Security Administration

DEFENDANT

ORDER

On this 22nd day of January, 2009, the court has before it for consideration plaintiff's request for attorney's fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412.

For reasons set forth in the report and recommendation filed by the Honorable James R. Marschewski, United States Magistrate Judge for the Western District of Arkansas, on December 4, 2008, the court finds that the Magistrate's recommendations should be adopted *in toto* and hereby awards plaintiff's attorney fees in the amount of \$1,247.40 representing 7.56 hours of work at a rate of \$165.00 per hour. Further, this award should be paid directly to plaintiff's counsel. *Ratliff v. Astrue*, 540 F.3d 800, 802 (8th Cir. 2008).

This amount shall be paid in addition to, and not out of, any past-due benefits plaintiff may be awarded in the future.

IT IS SO ORDERED.

/s/J imm Larry Hendren
HON. JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE